

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

529I0714

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 206 - 02/19/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senator Symens

1 FOR AN ACT ENTITLED, An Act to limit the use of information contained in certain
2 commitment documentation related to drug offenses.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 34-20A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 The petition for commitment, written application, and written report to the circuit court and
7 the resulting protective custody order required by § 34-20A-70 shall be sealed and may not be
8 used for the purpose of enforcing the provisions of chapter 22-42 and chapter 22-42A against
9 the person being committed. Any law enforcement official or prosecuting attorney may petition
10 the circuit court to examine these documents, and the court may allow such examination upon
11 a showing that the purpose of the examination is not to investigate a violation of chapter 22-42
12 or chapter 22-42A against the person being committed. However, no information contained in
13 the petition for commitment, written application, written report, or protective custody order may
14 be used against the person being committed in any prosecution for a violation of chapter 22-42
15 or chapter 22-42A.

